



General Assembly

January Session, 2009

Raised Bill No. 1023

LCO No. 3955

03955_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

***AN ACT CONCERNING INDEMNIFICATION CLAUSES IN CONTRACTS
WITH MOTOR CONTRACT CARRIERS AND HOUSEHOLD GOODS
CARRIERS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Motor carrier" means any person who operates motor vehicles
4 over the highways of this state, whether over regular or irregular
5 routes, in the transportation of passengers or property, or any class or
6 classes thereof, for hire by the general public or for hire under special
7 and individual contracts.

8 (2) "Promisee" means any person with whom a motor carrier enters
9 into a motor carrier transportation contract, and any agents,
10 employees, servants or independent contractors who are directly
11 responsible to such person. "Promisee" does not include a motor
12 carrier who is a party to a motor carrier transportation contract with a
13 promisee nor such motor carrier's agents, employees, servants or
14 independent contractors directly responsible to such motor carrier.

15 (3) "Transportation contract" means a contract, agreement or
16 understanding that covers: (A) The transportation of property for
17 compensation or hire by the motor carrier; (B) entry on private or
18 public property by the motor carrier for the purpose of loading,
19 unloading or transporting property for compensation or hire; or (C) a
20 service incidental to subparagraph (A) or (B) of this subdivision,
21 including, but not limited to, storage of property.

22 (b) Notwithstanding any provision of law, any provision, clause,
23 covenant or agreement contained in, collateral to or affecting a motor
24 carrier transportation contract, that indemnifies, defends or holds
25 harmless, or has the effect of indemnifying, defending or holding
26 harmless the promisee from or against any liability for loss or damage
27 resulting from the negligence or intentional acts or omissions of the
28 promisee shall be void and unenforceable.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	New section
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Statement of Purpose:

To prohibit the motor carrier transportation contracts from including any provision that requires a motor carrier to indemnify another party for loss or damage that arises from that party's own negligence or intentional acts or omissions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]